



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,484	08/24/2006	Young-Su Lee	1012679-000128	8947

21839 7590 11/21/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

DUNN, DANIELLE N

ART UNIT	PAPER NUMBER
----------	--------------

2875

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/590,484	Applicant(s) LEE, YOUNG-SU	
	Examiner Danielle Dunn	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/24/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/KR2004/000773, filed on 4/02/2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almeida (US 2001/0029364) and further in view of Eckhouse et al. (US 6,514,243).

With respect to claims 1, Almeida teaches a body (flashlamp apparatus 7) having a flash lamp (flashlamps 1) having a pipe shape (evidenced in Fig. 1) and being installed in the body (evidenced in Fig. 1). Almeida teaches a cooling water circulation pipe aligned around the flash lamp (Para 22, ln 15-19; Fig. 1). Almeida teaches a reflection mirror (hollow reflective light guide 4; Fig. 1) that is aligned at an outer portion of the cooling water circulation pipe (evidenced in Fig. 1). Almeida teaches an optical tube assembly installed in the body in order to emit light radiated from the flash lamp to an exterior (evidenced in Fig. 2). Almeida teaches a light filter section aligned around the reflection mirror while forming a predetermined space therebetween (high pass filter

Art Unit: 2875

9, 30; Figs. 1 and 2). Almeida teaches the light filter section being rotatable with respect to the flash lamp (when the device is rotated, the filter section rotates on a parallel axis with respect to the flashlamps 1; Fig. 1). Almeida does not explicitly teach the reflection mirror being semicircular. However, Eckhouse et al. teach the reflection mirror (reflector 16) having other designs including parabolic and circular reflectors (Col. 9, ln 5-6).

Therefore, at the time of the invention, it would have been obvious to one skilled in the art to replace the reflector of Almeida with a semi-circular reflector as taught by Eckhouse et al. In this case, one would have been motivated to make the reflection mirror semicircular in order to emit a greater amount of light.

With respect to claims 2-6, Almeida teaches the light filter section being fabricated by uniformly dividing a circular pipe into plural pipe sections (the filter section can be uniformly divided by inner and outer sides as well as in half vertically and horizontally as evidenced by Fig. 2), coating the plural pipe sections with individually different materials in such a manner that only light having a predetermined wavelength passes therethrough (Para 25, ln 11-15), and bonding the plural pipe sections to each other (evidenced by Fig. 2). Almeida does not explicitly teach the light filter section being uniformly divided into plural light filters. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to make the filter of Almeida separate, uniform filters, since it has been held by the courts making an integral structure separable (e.g. in a plurality of pieces), if so is desired, would require only ordinary skill. *In re Dulberg*, 129 USPQ 348, 349 (CCPA 1961). One would

Art Unit: 2875

have been motivated to do so because this allows for sections of the filter to be replaced or removed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to uniformly divide the light filter section, since it has been held by the courts that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device, and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). In this case, one would have been motivated to uniformly divide the light filter section in order to evenly control the amount of light that is filtered as well as ease replacement of the filters.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,405,368 teach a method and apparatus for therapeutic electromagnetic treatment. US 6,383,177 teach an apparatus for tissue treatment. US 2002/0183811 teach treatment of skin disorders with UV light and cooling. US 7,097,639 teach a dual filter multiple pulse photo-dermatological device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danielle Dunn whose telephone number is (571)270-3039. The examiner can normally be reached on Monday thru Friday 9:00AM-5:00PM.

Art Unit: 2875

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Negrón/
Primary Examiner, Art Unit 2885

DND
11/7/08